

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

RICHARD W. SALMON,

Plaintiff,

v.

COLETTE PETERS et al.,

Defendants.

Case No. 2:20-cv-1917-AR

OPINION AND ORDER

MOSMAN, J.,

On December 15, 2022, Magistrate Judge Jeffrey Armistead issued his Findings and Recommendation (“F&R”) [ECF 33] recommending that this Court grant in part and deny in part Defendants’ Motion for Summary Judgment [ECF 20]. No objections were filed. Upon review, I agree with Judge Armistead. I GRANT in part and DENY in part Defendants’ Motion for Summary Judgment.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Armistead's recommendation, and I ADOPT the F&R [ECF 33]. I GRANT in part and DENY in part Defendants' Motion for Summary Judgment [ECF 20]. I grant summary judgment to Defendants Collette Peters, Brad Cain, and Mark Nooth, and I dismiss the claims against them with prejudice. I grant summary judgment to Defendants Judy Gilmore, Dorothy McQueen, and Julina Claus to the extent Plaintiff sues them in their official capacities for monetary damages. I deny summary judgment to Defendants Gilmore, McQueen, and Claus on Plaintiff's First and Sixth Amendment claims to the extent that Plaintiff sues Defendants in their personal capacities for monetary damages or in their official capacities for injunctive relief.

IT IS SO ORDERED.

DATED this 2d day of February, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge